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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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DAVID WEBB,

Plaintiff,

v.

TIMOTHY SCOTT, K. MURRAY, TERRY  
THOMPSON, KEVIN McLEOD, KEVIN  
BURTON, R. WEST, JOHNSON, R. GATES,  
A. FLATT, JON GREINER, and THREE  
JOHN DOES,

Defendants.

**MEMORANDUM DECISION AND  
ORDER DENYING PRO SE PLAINTIFF  
WEBB’S MOTION PURSUANT TO FRCP  
RULE 60(B)(3); 60(B)(4); 60(B)(6); 60(D)91)  
AND 60(D)(3)**

Case No. 1:11-cv-00128-DN-EJF

District Judge David Nuffer

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Plaintiff, David Webb has filed a Motion Pursuant to [FRCP Rule 60\(b\)\(3\)](#); 60(b)(4); 60(b)(6); 60(d)91) and 60(d)(3) (“Motion”).<sup>1</sup>

Mr. Webb argues that pursuant to several subsections of Rule 60, the court should set aside summary judgment and reinstate previous dismissed claims even though the Tenth Circuit affirmed dismissal. Specifically, Mr. Webb contends that there was extrinsic fraud by Defendants and the summary judgment decision dismissing many of his claims is somehow void due to the Tenth Circuit opinion which reinstated one claim.<sup>2</sup>

Defendants correctly point out that Mr. Webb has raised the fraud argument on several occasions and that this issue has already been decided against him.<sup>3</sup> Mr. Webb might also be arguing that the Tenth Circuit opinion somehow supports his fraud argument. This assertion has no merit. Mr. Webb’s argument that the summary “[j]udgment is [v]oid”—due to the Tenth

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<sup>1</sup> [Docket no. 280](#), filed April 11, 2016. .

<sup>2</sup> *Id.* at 1-2. *See also Webb v. Scott*, No. 15-4078, 2016 WL 1105254 (10th Cir. Mar. 22, 2016); Report and Recommendation [docket no. 181](#), filed October 14, 2014; Order Adopting Report and Recommendation, [docket no. 228](#), filed March 18, 2015.

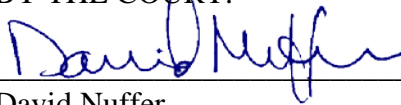
<sup>3</sup> Opposition to Plaintiff’s Rule 60 Motion (Dkt. No. 280) at 4, [docket no. 283](#), filed April 18, 2016.

Circuit's decision—is also meritless. Instead the Tenth Circuit reversed “the district court’s grant of summary judgment to Murray on Webb’s illegal arrest claim and its grants of summary judgment and qualified immunity to Murray on Webb’s prolonged detention claim.”<sup>4</sup>

Mr. Webb’s pro se status entitles his submissions to broad consideration. His submissions are read liberally and interpreted to raise the strongest arguments that they suggest. Having reviewed all the arguments raised by Mr. Webb, and finding no merit to his claims, IT IS HEREBY ORDERED that Mr. Webb’s Motion<sup>5</sup> is DENIED.

Dated July 11, 2016.

BY THE COURT:



David Nuffer  
United States District Judge

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<sup>4</sup> [Webb](#), 2016 WL 1105254, \*6.

<sup>5</sup> [Docket no. 280](#).